

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. The Regulatory Sunset Act is amended by changing
5 Section 4.23 and by adding Section 4.33 as follows:

6 (5 ILCS 80/4.23)

7 Sec. 4.23. Acts and Sections repealed on January 1, 2013.

8 The following Acts and Sections of Acts are repealed on January
9 1, 2013:

10 The Dietetic and Nutrition Services Practice Act.

11 The Elevator Safety and Regulation Act.

12 The Fire Equipment Distributor and Employee Regulation Act
13 of 2011.

14 The Funeral Directors and Embalmers Licensing Code.

15 The Naprapathic Practice Act.

16 ~~The Professional Counselor and Clinical Professional~~
17 ~~Counselor Licensing Act.~~

18 The Wholesale Drug Distribution Licensing Act.

19 Section 2.5 of the Illinois Plumbing License Law.

20 (Source: P.A. 95-331, eff. 8-21-07; 96-1499, eff. 1-18-11.)

21 (5 ILCS 80/4.33 new)

22 Sec. 4.33. Act repealed on January 1, 2023. The following

1 Act is repealed on January 1, 2023:

2 The Professional Counselor and Clinical Professional
3 Counselor Licensing and Practice Act.

4 Section 5. The Professional Counselor and Clinical
5 Professional Counselor Licensing Act is amended by changing
6 Sections 1, 5, 10, 15, 20, 21, 25, 30, 45, 50, 60, 65, 75, 80,
7 85, 90, 95, 100, 105, 110, 115, 120, 125, 130, 135, 145, 155,
8 160, and 165 and by adding Sections 18 and 93 as follows:

9 (225 ILCS 107/1)

10 (Section scheduled to be repealed on January 1, 2013)

11 Sec. 1. Short title. This Act may be cited as the
12 Professional Counselor and Clinical Professional Counselor
13 Licensing and Practice Act.

14 (Source: P.A. 87-1011.)

15 (225 ILCS 107/5)

16 (Section scheduled to be repealed on January 1, 2013)

17 Sec. 5. Declaration of public policy. The practice of
18 professional counseling and clinical professional counseling
19 is hereby declared to affect the public health, safety and
20 welfare, and to be subject to regulation in the public
21 interest. The purpose of the Act is to protect and benefit the
22 public by setting standards of qualifications, education,
23 training, and experience for those who seek to engage in the

1 independent practice of clinical professional counseling and
2 in the practice of professional counseling in the State of
3 Illinois and to obtain a license and hold the title of
4 professional counselor, to promote high standards of
5 professional performance for those licensed to practice
6 professional counseling and clinical professional counseling
7 in the State of Illinois, and to protect the public from
8 unprofessional conduct by persons licensed to practice
9 professional counseling and the independent practice of
10 clinical professional counseling.

11 (Source: P.A. 87-1011.)

12 (225 ILCS 107/10)

13 (Section scheduled to be repealed on January 1, 2013)

14 Sec. 10. Definitions. As used in this Act:

15 "Address of record" means the designated address recorded
16 by the Department in the applicant's or licensee's application
17 file or license file as maintained by the Department's
18 licensure maintenance unit. It is the duty of the applicant or
19 licensee to inform the Department of any change of address and
20 those changes must be made either through the Department's
21 website or by contacting the Department.

22 "Department" means the Department of Financial and
23 Professional Regulation.

24 ~~"Director" means the Director of Professional Regulation.~~

25 "Board" means the Professional Counselor Licensing and

1 Disciplinary Board as appointed by the Secretary ~~Director~~.

2 "Person" means an individual, association, partnership, or
3 corporation.

4 "Professional counseling" means the provision of services
5 to individuals, couples, groups, families, and organizations
6 in any one or more of the fields of professional counseling.

7 "Professional counseling" includes the therapeutic process of:

8 (i) conducting assessments and diagnosing for the purpose of

9 establishing treatment goals and objectives and (ii) planning,

10 implementing, and evaluating treatment plans using treatment

11 interventions to facilitate human development and to identify

12 and remediate mental, emotional, or behavioral disorders and

13 associated distresses that interfere with mental health.

14 ~~Professional counseling includes, but is not limited to:~~

15 ~~(1) social, emotional, educational, and career testing~~

16 ~~and evaluation;~~

17 ~~(2) a professional relationship between a counselor~~

18 ~~and a client in which the counselor provides assistance in~~

19 ~~copng with life issues that include relationships,~~

20 ~~conflicts, problem solving, decision making, and~~

21 ~~developmental concerns; and~~

22 ~~(3) research.~~

23 Professional counseling may also include clinical

24 professional counseling as long as it is not conducted in

25 independent private practice as defined in this Act.

26 "Clinical professional counseling" means the provision of

1 professional counseling and mental health services, which
2 includes, but is not limited to, the application of clinical
3 counseling theory and techniques to prevent and alleviate
4 mental and emotional disorders and psychopathology and to
5 promote optimal mental health, rehabilitation, treatment,
6 testing, assessment, and evaluation. "Clinical professional
7 counseling" may include the practice of professional
8 counseling as defined in this Act. It also includes clinical
9 counseling and psychotherapy in a professional relationship to
10 assist individuals, couples, families, groups, and
11 organizations to alleviate emotional disorders, to understand
12 conscious and unconscious motivation, to resolve emotional,
13 relationship, and attitudinal conflicts, and to modify
14 behaviors that interfere with effective emotional, social,
15 adaptive, and intellectual functioning.

16 "Licensed professional counselor" and "professional
17 counselor" means a person who holds a license authorizing the
18 practice of professional counseling as defined in this Act.

19 "Licensed clinical professional counselor" and "clinical
20 professional counselor" means a person who holds a license
21 authorizing the independent practice of clinical professional
22 counseling in private practice as defined in this Act.

23 "Independent private practice of clinical professional
24 counseling" means the application of clinical professional
25 counseling knowledge and skills by a licensed clinical
26 professional counselor who ~~(i)~~ regulates and is responsible for

1 her or his own practice or treatment procedures ~~and (ii) is~~
2 ~~self-employed or works in a group practice or setting not~~
3 ~~qualified under Internal Revenue Service regulations as a~~
4 ~~not-for-profit business.~~

5 "Clinical supervision" or "supervision" means review of
6 aspects of counseling and case management in a face-to-face
7 meeting with the person under supervision.

8 "Qualified supervisor" or "qualified clinical supervisor"
9 means any person who is a licensed clinical professional
10 counselor, licensed clinical social worker, licensed clinical
11 psychologist, psychiatrist as defined in Section 1-121 of the
12 Mental Health and Developmental Disabilities Code, or other
13 supervisor as defined by rule. A qualified supervisor may be
14 provided at the applicant's place of work, or may be hired by
15 the applicant to provide supervision.

16 "License" means that which is required to practice
17 professional counseling or clinical professional counseling as
18 defined in this Act.

19 "Secretary" means the Secretary of Financial and
20 Professional Regulation.

21 "Volunteer" means a person performing services without
22 compensation for a nonprofit organization, a nonprofit
23 corporation, a hospital, a governmental entity, or a private
24 business, other than reimbursement for actual expenses
25 incurred. "Volunteer" includes a person serving as a director,
26 officer, trustee, or direct service volunteer.

1 (Source: P.A. 92-719, eff. 7-25-02.)

2 (225 ILCS 107/15)

3 (Section scheduled to be repealed on January 1, 2013)

4 Sec. 15. Exemptions.

5 (a) This Act does not prohibit any persons legally
6 regulated in this State by any other Act from engaging in the
7 practice for which they are authorized as long as they do not
8 represent themselves by the title of "professional counselor",
9 "licensed professional counselor", "clinical professional
10 counselor", or "licensed clinical professional counselor".
11 This Act does not prohibit the practice of nonregulated
12 professions whose practitioners are engaged in the delivery of
13 human services as long as these practitioners do not represent
14 themselves as or use the title of "professional counselor",
15 "licensed professional counselor", "clinical professional
16 counselor", or "licensed clinical professional counselor".

17 (b) Nothing in this Act shall be construed to limit the
18 activities and services of a student, intern, or resident in
19 professional counseling or clinical professional counseling
20 seeking to fulfill educational requirements in order to qualify
21 for a license under this Act if (i) these activities and
22 services constitute a part of the student's supervised course
23 of study, (ii) ~~or an individual seeking to fulfill the~~
24 ~~post-degree experience requirements in order to qualify for~~
25 ~~licensing under this Act, as long as the activities and~~

1 services are not conducted in an independent practice, as
2 defined in this Act, (iii) ~~if~~ the activities and services are
3 supervised as specified in this Act, and (iv) ~~that~~ the student,
4 intern, or resident is designated by a title "intern" or
5 "resident" or other designation of trainee status. Nothing
6 contained in this Section shall be construed to permit
7 students, interns, or residents to offer their services as
8 professional counselors or clinical professional counselors to
9 any other person, ~~and to accept remuneration for such~~
10 ~~professional counseling or clinical professional counseling~~
11 ~~services~~ other than as specifically excepted in this Section,
12 unless they have been licensed under this Act.

13 (b-5) Nothing in this Act shall be construed to limit the
14 activities and services of individuals seeking to fulfill
15 post-degree experience requirements in order to qualify for
16 licensing as a clinical professional counselor under this Act,
17 so long as the individual is not engaged in the independent
18 private practice of clinical professional counseling as
19 defined in this Act, and is in compliance with all applicable
20 regulations regarding supervision including, but not limited
21 to, the requirement that the supervised experience must be
22 under the order, control, and full professional responsibility
23 of their supervisor. The Department may, by rule, adopt further
24 limitations on individuals practicing under this subsection.

25 (c) Corporations, partnerships, and associations may
26 employ practicum students, interns, or post-degree candidates

1 seeking to fulfill educational requirements or the
2 professional experience requirements needed to qualify for a
3 license under this Act if their activities and services
4 constitute a part of the student's supervised course of study
5 or post-degree professional experience requirements. Nothing
6 in this paragraph shall prohibit a corporation, partnership, or
7 association from contracting with a licensed health care
8 professional to provide services that they are licensed to
9 provide.

10 (d) Nothing in this Act shall prevent the employment, by a
11 professional counselor or clinical professional counselor,
12 person, association, partnership, or a corporation furnishing
13 professional counseling or clinical professional counseling
14 services for remuneration, of persons not licensed as
15 professional counselors or clinical professional counselors
16 under this Act to perform services in various capacities as
17 needed if these persons are not in any manner held out to the
18 public or do not hold themselves out to the public by any title
19 or designation stating or implying that they are professional
20 counselors or clinical professional counselors.

21 (e) Nothing in this Act shall be construed to limit the
22 services of a person, not licensed under the provisions of this
23 Act, in the employ of a federal, State, county, or municipal
24 agency or other political subdivision or not-for-profit
25 corporation providing human services if (1) the services are a
26 part of the duties in his or her salaried position, (2) the

1 services are performed solely on behalf of his or her employer,
2 and (3) that person does not in any manner represent himself or
3 herself as or use the title of "professional counselor",
4 "licensed professional counselor", "clinical professional
5 counselor", or "licensed clinical professional counselor".

6 (f) Duly recognized members of any religious organization
7 shall not be restricted from functioning in their ministerial
8 capacity provided they do not represent themselves as being
9 professional counselors or clinical professional counselors,
10 or as providing "professional counseling" or "clinical
11 professional counseling". This Act shall not apply or be
12 construed so as to apply to the employees or agents of a church
13 or religious organization or an organization owned,
14 controlled, or affiliated with a church or religious
15 organization, unless the church, religious organization, or
16 owned, controlled, or affiliated organization designates or
17 holds these employees or agents out to the public as
18 professional counselors or clinical professional counselors or
19 holds out their services as being "professional counseling" or
20 "clinical professional counseling".

21 (g) Nothing in this Act shall prohibit individuals not
22 licensed under the provisions of this Act who work in self-help
23 groups or programs or not-for-profit organizations from
24 providing services in those groups, programs, or
25 organizations, as long as those persons are not in any manner
26 held out to the public as practicing professional counseling or

1 clinical professional counseling, or do not hold themselves out
2 to the public by any title or designation stating or implying
3 that they are professional counselors or clinical professional
4 counselors.

5 (h) Nothing in this Act shall be construed to limit the
6 activities and use of the official title of "professional
7 counselor" or "clinical professional counselor" on the part of
8 a person not licensed under this Act who is an academic
9 employee of a duly chartered institution of higher education
10 and who holds educational and professional qualifications
11 equivalent to those required for licensing under this Act,
12 insofar as such activities are performed in the person's role
13 as an academic employee, or insofar as such person engages in
14 public speaking with or without remuneration.

15 (i) Nothing in this Act shall be construed to require
16 licensure under this Act or limit the services of a school
17 counselor certified by the State Teacher Certification Board
18 and employed as authorized by Section 10-22-24a or any other
19 provision of the School Code as long as that person is not in
20 any manner held out to the public as a "professional counselor"
21 or "clinical professional counselor" or does not hold out his
22 or her services as being "professional counseling" or "clinical
23 professional counseling".

24 (j) Nothing in this Act shall be construed to require any
25 hospital, clinic, home health agency, hospice, or other entity
26 that provides health care to employ or to contract with a

1 person licensed under this Act to provide professional
2 counseling or clinical professional counseling services. These
3 persons may not hold themselves out or represent themselves to
4 the public as being licensed under this Act.

5 (k) Nothing in this Act shall be construed to require
6 licensure under this Act or limit the services of a person
7 employed by a private elementary or secondary school who
8 provides counseling within the scope of his or her employment
9 as long as that person is not in any manner held out to the
10 public as a "professional counselor" or "clinical professional
11 counselor" or does not hold out his or her services as being
12 "professional counseling" or "clinical professional
13 counseling".

14 (l) Nothing in this Act shall be construed to require
15 licensure under this Act or limit the services of a rape crisis
16 counselor who is an employee or volunteer of a rape crisis
17 organization as defined in Section 8-802.1 of the Code of Civil
18 Procedure as long as that person is not in any manner held out
19 to the public as a "professional counselor" or "clinical
20 professional counselor" or does not hold out his or her
21 services as being "professional counseling" or "clinical
22 professional counseling".

23 (m) Nothing in this Act shall be construed to prevent any
24 licensed social worker, licensed clinical social worker, or
25 licensed clinical psychologist from practicing professional
26 counseling as long as that person is not in any manner held out

1 to the public as a "professional counselor" or "clinical
2 professional counselor" or does not hold out his or her
3 services as being "professional counseling" or "clinical
4 professional counseling".

5 (n) Nothing in this Act shall be construed to limit the
6 activities and use of the official title of "professional
7 counselor" or "clinical professional counselor" on the part of
8 a person not licensed under this Act who is a physician
9 licensed to practice medicine in all of its branches under the
10 Medical Practice Act of 1987.

11 (o) Nothing in this Act shall be construed to require
12 licensure under this Act or limit the services of a domestic
13 violence counselor who is an employee or volunteer of a
14 domestic violence program as defined in Section 227 of the
15 Illinois Domestic Violence Act of 1986.

16 (Source: P.A. 92-719, eff. 7-25-02.)

17 (225 ILCS 107/18 new)

18 Sec. 18. Provision of clinical services by licensed
19 professional counselors; scope of practice.

20 (a) Licensed professional counselors may not engage in the
21 independent practice of clinical professional counseling
22 without a clinical professional counselor license.

23 (b) In an independent private practice, a licensed
24 professional counselor must practice at all times under the
25 order, control, and full professional responsibility of a

1 licensed clinical professional counselor, a licensed clinical
2 social worker, a licensed clinical psychologist, or a
3 psychiatrist as defined in Section 1-121 of the Mental Health
4 and Developmental Disabilities Code.

5 (c) When providing clinical professional counseling as set
6 forth in this Act, a licensed professional counselor may not
7 represent himself or herself as a sole or independent
8 practitioner and may not use the title "clinical professional
9 counselor" or "licensed clinical professional counselor". A
10 licensed professional counselor providing clinical
11 professional counseling shall always operate and represent
12 himself or herself as providing services through or as a part
13 of a group practice or through a clinical supervisor's
14 practice, and the licensed professional counselor shall have no
15 ownership interest in either type of practice. Licensed
16 professional counselors providing clinical services shall
17 provide the name and contact information of the licensed
18 professional counselor's supervisor to all clients.

19 (d) Nothing in this Act shall be construed to limit
20 licensed professional counselors from owning or engaging in
21 sole or other type of practice or from using the title
22 "licensed professional counselor" or "professional counselor"
23 when providing social services that do not fall within the
24 definition of professional counseling or clinical professional
25 counseling as set forth in this Act.

26 (e) The Department may adopt rules necessary to implement

1 this Section.

2 (225 ILCS 107/20)

3 (Section scheduled to be repealed on January 1, 2013)

4 Sec. 20. Restrictions and limitations.

5 (a) No person shall, without a valid license as a
6 professional counselor issued by the Department: (i) in any
7 manner hold himself or herself out to the public as a
8 professional counselor under this Act; (ii) attach the title
9 "professional counselor" or "licensed professional counselor";
10 or (iii) offer to render or render to individuals,
11 corporations, or the public professional counseling services.

12 (b) No person shall, without a valid license as a clinical
13 professional counselor issued by the Department: (i) in any
14 manner hold himself or herself out to the public as a clinical
15 professional counselor or licensed clinical professional
16 counselor under this Act; (ii) attach the title "clinical
17 professional counselor" or "licensed clinical professional
18 counselor"; or (iii) offer to render to individuals,
19 corporations, or the public clinical professional counseling
20 services.

21 (c) (Blank). ~~Licensed professional counselors may not~~
22 ~~engage in independent private practice as defined in this Act~~
23 ~~without a clinical professional counseling license. In an~~
24 ~~independent private practice, a licensed professional~~
25 ~~counselor must practice at all times under the order, control,~~

1 ~~and full professional responsibility of a licensed clinical~~
2 ~~professional counselor, a licensed clinical social worker, a~~
3 ~~licensed clinical psychologist, or a psychiatrist, as defined~~
4 ~~in Section 1-121 of the Mental Health and Developmental~~
5 ~~Disabilities Code.~~

6 (d) No association, limited liability company, or
7 partnership shall practice clinical professional counseling or
8 professional counseling unless every member, partner, and
9 employee of the association or partnership who practices
10 professional counseling or clinical professional counseling,
11 or who renders professional counseling or clinical
12 professional counseling services, holds a currently valid
13 license issued under this Act. No license shall be issued to a
14 corporation, the stated purpose of which includes or which
15 practices or which holds itself out as available to practice
16 professional counseling or clinical professional counseling
17 unless it is organized under the Professional Service
18 Corporation Act.

19 (e) Nothing in this Act shall be construed as permitting
20 persons licensed as professional counselors or clinical
21 professional counselors to engage in any manner in the practice
22 of medicine in all its branches as defined by law in this
23 State.

24 (f) When, in the course of providing professional
25 counseling or clinical professional counseling services to any
26 person, a professional counselor or clinical professional

1 counselor licensed under this Act finds indication of a disease
2 or condition that in his or her professional judgment requires
3 professional service outside the scope of practice as defined
4 in this Act, he or she shall refer that person to a physician
5 licensed to practice medicine in all of its branches or another
6 appropriate health care practitioner.

7 (Source: P.A. 94-765, eff. 1-1-07.)

8 (225 ILCS 107/21)

9 (Section scheduled to be repealed on January 1, 2013)

10 Sec. 21. Unlicensed practice; violation; civil penalty.

11 (a) Any person who practices, offers to practice, attempts
12 to practice, or holds himself or herself out to practice as a
13 clinical professional counselor or professional counselor
14 without being licensed or exempt under this Act shall, in
15 addition to any other penalty provided by law, pay a civil
16 penalty to the Department in an amount not to exceed \$10,000
17 ~~\$5,000~~ for each offense, as determined by the Department. The
18 civil penalty shall be assessed by the Department after a
19 hearing is held in accordance with the provisions set forth in
20 this Act regarding the provision of a hearing for the
21 discipline of a licensee.

22 (b) The Department may investigate any actual, alleged, or
23 suspected unlicensed activity.

24 (c) The civil penalty shall be paid within 60 days after
25 the effective date of the order imposing the civil penalty. The

1 order shall constitute a final judgment and may be filed and
2 execution had thereon in the same manner as any judgment from
3 any court of record.

4 (Source: P.A. 92-719, eff. 7-25-02.)

5 (225 ILCS 107/25)

6 (Section scheduled to be repealed on January 1, 2013)

7 Sec. 25. Powers and duties of the Department. Subject to
8 the provisions of this Act, the Department may:

9 (a) Authorize examinations to ascertain the qualifications
10 and fitness of applicants for licensing as professional
11 counselors or clinical professional counselors and pass upon
12 the qualifications of applicants for licensure by endorsement.

13 (b) Conduct hearings on proceedings to refuse to issue or
14 renew or to revoke licenses or suspend, place on probation,
15 censure, or reprimand or take any other disciplinary or
16 non-disciplinary action with regard to a person ~~persons~~
17 licensed under this Act, ~~and to refuse to issue or renew or to~~
18 ~~revoke licenses, or suspend, place on probation, censure, or~~
19 ~~reprimand persons licensed under this Act.~~

20 (c) Formulate rules and regulations required for the
21 administration of this Act.

22 (d) Maintain rosters of the names and addresses of all
23 licensees, and all persons whose licenses have been suspended,
24 revoked, or denied renewal for cause within the previous
25 calendar year. These rosters shall be available upon written

1 request and payment of the required fee.

2 (e) Establish rules for determining approved ~~undergraduate~~
3 ~~human services programs and~~ graduate professional counseling,
4 clinical professional counseling, psychology, rehabilitation
5 counseling and similar programs ~~and prepare and maintain a list~~
6 ~~of colleges and universities offering such programs whose~~
7 ~~graduates, if they otherwise meet the requirements of this Act,~~
8 ~~are eligible to apply for a license.~~

9 (Source: P.A. 87-1011.)

10 (225 ILCS 107/30) (from Ch. 111, par. 8451-30)

11 (Section scheduled to be repealed on January 1, 2013)

12 Sec. 30. Professional Counselor Examining and Disciplinary
13 Board.

14 (a) The Secretary ~~Director~~ shall appoint a Board which
15 shall serve in an advisory capacity to the Secretary ~~Director~~.
16 The Board shall consist of 7 persons, 2 of whom are licensed
17 solely as professional counselors, 3 of whom are licensed
18 solely as clinical professional counselors, one full-time
19 faculty member of an accredited college or university that is
20 engaged in training professional counselors or clinical
21 professional counselors who possesses the qualifications
22 substantially equivalent to the education and experience
23 requirements for a professional counselor or clinical
24 professional counselor, and one member of the public who is not
25 a licensed health care provider. In appointing members of the

1 Board, the Secretary ~~Director~~ shall give due consideration to
2 the adequate representation of the various fields of
3 counseling. In appointing members of the Board, the Secretary
4 ~~Director~~ shall give due consideration to recommendations by
5 members of the professions of professional counseling and
6 clinical professional counseling, the Statewide organizations
7 representing the interests of professional counselors and
8 clinical professional counselors, organizations representing
9 the interests of academic programs, rehabilitation counseling
10 programs, and approved counseling programs in the State of
11 Illinois.

12 (b) Members shall be appointed for and shall serve 4 year
13 terms and until their successors are appointed and qualified.
14 No member of the Board shall serve more than 2 full consecutive
15 terms, except that of the initial appointments 2 members shall
16 be appointed to serve for 2 years, 2 shall be appointed to
17 serve for 3 years, and the remaining shall be appointed to
18 serve for 4 years and until their successors are appointed and
19 qualified. No member shall be reappointed to the Board for a
20 term that would cause continuous service on the Board to be
21 longer than 8 years. Any appointment to fill a vacancy shall be
22 for the unexpired portion of the term.

23 (c) The membership of the Board should reasonably reflect
24 representation from different geographic areas of Illinois.

25 (d) (Blank). ~~Any member appointed to fill a vacancy shall~~
26 ~~be eligible for reappointment to only one full term.~~

1 (e) The Secretary shall have the authority to ~~Director may~~
2 remove or suspend any member for cause at any time prior to the
3 expiration of his or her term. The Secretary shall be the sole
4 arbiter of cause.

5 (f) The Board shall annually elect one of its members as
6 chairperson.

7 (g) The members of the Board shall be reimbursed for all
8 legitimate, necessary, and authorized expenses incurred in
9 attending the meetings of the Board.

10 (h) The Board may make recommendations on matters relating
11 to approving graduate counseling, rehabilitation counseling,
12 psychology, and related programs.

13 (i) The Board may make recommendations on matters relating
14 to continuing education including the number of hours necessary
15 for license renewal, waivers for those unable to meet such
16 requirements, and acceptable course content. These
17 recommendations shall not impose an undue burden on the
18 Department or an unreasonable restriction on those seeking
19 license renewal.

20 (j) The Secretary ~~Director~~ shall give due consideration to
21 all recommendations of the Board.

22 (k) Four members ~~A majority~~ of the Board ~~members currently~~
23 ~~appointed~~ shall constitute a quorum. A quorum is required for
24 all Board decisions. ~~A vacancy in the membership of the Board~~
25 ~~shall not impair the right of a quorum to perform all of the~~
26 ~~duties of the Board.~~

1 (1) Members of the Board shall have no criminal, civil, or
2 professional liability in an action based upon a disciplinary
3 proceeding or other activity performed in good faith as a
4 member of the Board, except for willful or wanton misconduct.

5 (Source: P.A. 92-719, eff. 7-25-02.)

6 (225 ILCS 107/45)

7 (Section scheduled to be repealed on January 1, 2013)

8 Sec. 45. Qualifications for a license.

9 (a) Professional counselor. A person is qualified to be
10 licensed as a licensed professional counselor, and the
11 Department shall issue a license authorizing the practice of
12 professional counseling to an applicant who:

13 (1) has applied in writing on the prescribed form and
14 has paid the required fee;

15 (2) is at least 21 years of age and has not engaged in
16 conduct or activities which would constitute grounds for
17 discipline under this Act;

18 (3) is a graduate of:

19 (A) a master's or doctoral level program in the
20 field of counseling, rehabilitation counseling,
21 psychology, or similar degree program approved by the
22 Department; or

23 (B) in the case of an applicant who applied ~~applies~~
24 for licensure before the effective date of this
25 amendatory Act of the 96th General Assembly, an

1 approved baccalaureate program in human services or
2 similar degree program approved by the Department and
3 can document the equivalent of 5 years of full-time
4 satisfactory supervised experience, as established by
5 rule, under a qualified supervisor;

6 (4) has passed an examination for the practice of
7 professional counseling as authorized by the Department;
8 and

9 (5) has paid the fees required by this Act.

10 Any person who has received certification by any State or
11 national organization whose standards are accepted by the
12 Department as being substantially similar to the standards in
13 this Act may apply for a professional counselor license and
14 need not be examined further.

15 (b) Clinical professional counselor. A person is qualified
16 to be licensed as a clinical professional counselor, and the
17 Department shall issue a license authorizing the practice of
18 clinical professional counseling to an applicant who:

19 (1) has applied in writing on the prescribed form and
20 has paid the required fee;

21 (2) is at least 21 years of age and has not engaged in
22 conduct or activities which would constitute grounds for
23 discipline under this Act;

24 (3) is a graduate of:

25 (A) a master's level program in the field of
26 counseling, rehabilitation counseling, psychology, or

1 similar degree program approved by the Department and
2 has completed the equivalent of 2 years full-time
3 satisfactory supervised employment or experience
4 working as a clinical counselor under the direction of
5 a qualified supervisor subsequent to the degree; or

6 (B) a doctoral program in the field of counseling,
7 rehabilitation counseling, psychology, or similar
8 program approved by the Department and has completed
9 the equivalent of 2 years full-time satisfactory
10 supervised employment or experience working as a
11 clinical counselor under the direction of a qualified
12 supervisor, at least one year of which is subsequent to
13 the degree;

14 (4) has passed the examination for the practice of
15 clinical professional counseling as authorized by the
16 Department; and

17 (5) has paid the fees required by this Act.

18 Any person who has received certification or licensure by
19 any State or national organization whose standards are accepted
20 by the Department as being substantially similar to the
21 standards in this Act may apply for a clinical professional
22 counselor license, and need not be examined further.

23 (c) Examination for applicants under this Act shall be held
24 at the discretion of the Department from time to time but not
25 less than once each year. The examination used shall be
26 authorized by the Department.

1 (d) Upon application and payment of the required fee, an
2 applicant who has an active license as a clinical psychologist
3 or a clinical social worker licensed under the laws of this
4 State may, without examination, be granted registration as a
5 licensed clinical professional counselor by the Department.

6 (Source: P.A. 96-1139, eff. 7-21-10.)

7 (225 ILCS 107/50)

8 (Section scheduled to be repealed on January 1, 2013)

9 Sec. 50. Licenses; renewal; restoration; person in
10 military service; inactive status.

11 (a) The expiration date and renewal period for each license
12 issued under this Act shall be set by rule. As a condition for
13 renewal of a license, the licensee shall be required to
14 complete continuing education in accordance with rules
15 established by the Department ~~The licensee may renew a license~~
16 ~~during the 30 day period preceding its expiration date by~~
17 ~~paying the required fee and demonstrating compliance with any~~
18 ~~continuing education requirements.~~

19 (b) Any person who has permitted a license to expire or who
20 has a license on inactive status may have it restored by
21 submitting an application to the Department and filing proof of
22 fitness acceptable to the Department, ~~as defined by rule~~, to
23 have the license restored, including, if appropriate, evidence
24 which is satisfactory to the Department certifying the active
25 practice of professional counseling or clinical professional

1 counseling in another jurisdiction and by paying the required
2 fee.

3 (c) If the person has not maintained an active practice in
4 another jurisdiction which is satisfactory to the Department,
5 the Department shall determine, by an evaluation program
6 established by rule, the person's fitness to resume active
7 status and shall establish procedures and requirements for
8 restoration. ~~The Department may also require the person to~~
9 ~~complete a specific period of evaluated professional~~
10 ~~counseling or clinical professional counseling work experience~~
11 ~~and may require successful completion of an examination.~~

12 (d) However, any person whose license expired while he or
13 she was (i) in federal service on active duty with the armed
14 forces of the United States or ~~, while called into service or~~
15 ~~training with~~ the State Militia or (ii) in training or
16 education under the supervision of the United States government
17 prior to induction into the military service may have his or
18 her license restored without paying any lapsed renewal fees if,
19 within 2 years after the honorable termination of such service,
20 training, or education, ~~except under conditions other than~~
21 ~~honorable,~~ the Department is furnished with satisfactory
22 evidence that the person has been so engaged and that such
23 service, training, or education has been so terminated.

24 (e) A license to practice shall not be denied any applicant
25 because of the applicant's race, religion, creed, national
26 origin, political beliefs or activities, age, sex, sexual

1 orientation, or physical impairment.

2 (f) Any person requesting restoration from inactive status
3 shall (i) be required to pay the current renewal fee, (ii) meet
4 continuing education requirements, and (iii) be required to
5 restore his or her license as provided in this Act.

6 (Source: P.A. 87-1011; 87-1269.)

7 (225 ILCS 107/60)

8 (Section scheduled to be repealed on January 1, 2013)

9 Sec. 60. Fees. The Department shall provide by rule for a
10 schedule of fees for the administration and enforcement of this
11 Act, including, but not limited to, original licensure,
12 registration, renewal, and restoration. The fees shall be
13 nonrefundable ~~The fees imposed under this Act shall be set by~~
14 ~~rule and are not refundable.~~

15 All ~~of the~~ fees, fines, and penalties collected under this
16 Act shall be deposited into the General Professions Dedicated
17 Fund and shall be appropriated to the Department for the
18 ordinary and contingent expenses of the Department in the
19 administration of this Act.

20 (Source: P.A. 92-719, eff. 7-25-02.)

21 (225 ILCS 107/65)

22 (Section scheduled to be repealed on January 1, 2013)

23 Sec. 65. Payments; penalty for insufficient funds ~~Checks or~~
24 ~~orders dishonored.~~ Any person who issues or delivers a check or

1 other order to the Department that is returned to the
2 Department unpaid by the financial institution upon which it is
3 drawn shall pay to the Department, in addition to the amount
4 already owed to the Department, a fine of \$50. The fines
5 imposed by this Section are in addition to any other discipline
6 provided under this Act prohibiting unlicensed practice or
7 practice on a nonrenewed license. The Department shall notify
8 the person that payment of fees and fines shall be paid to the
9 Department by certified check or money order within 30 calendar
10 days after notification. If, after the expiration of 30 days
11 from the date of the notification, the person has failed to
12 submit the necessary remittance, the Department shall
13 automatically terminate the license or certification or deny
14 the application, without hearing. If, after termination or
15 denial, the person seeks a license or certificate, he or she
16 shall apply to the Department for restoration or issuance of
17 the license or certificate and pay all fees and fines due to
18 the Department. The Department may establish a fee for the
19 processing of an application for restoration of a license to
20 pay all costs and expenses of processing of this application.
21 The Secretary ~~Director~~ may waive the fines due under this
22 Section in individual cases where the Secretary ~~Director~~ finds
23 that the fines would be unnecessarily burdensome.

24 (Source: P.A. 92-146, eff. 1-1-02.)

1 (Section scheduled to be repealed on January 1, 2013)

2 Sec. 75. Privileged communications and exceptions.

3 (a) No licensed professional counselor or licensed
4 clinical professional counselor shall disclose any information
5 acquired from persons consulting the counselor in a
6 professional capacity, except that which may be voluntarily
7 disclosed under the following circumstances:

8 (1) In the course of formally reporting, conferring, or
9 consulting with administrative superiors, colleagues, or
10 consultants who share professional responsibility, in
11 which instance all recipients of the information are
12 similarly bound to regard the communication as privileged;

13 (2) With the written consent of the person who provided
14 the information;

15 (3) In the case of death or disability, with the
16 written consent of a personal representative, other person
17 authorized to sue, or the beneficiary of an insurance
18 policy on the person's life, health or physical condition;

19 (4) When a communication reveals the intended
20 commission of a crime or harmful act and such disclosure is
21 judged necessary by the licensed professional counselor or
22 licensed clinical professional counselor to protect any
23 person from a clear, imminent risk of serious mental or
24 physical harm or injury, or to forestall a serious threat
25 to the public safety; or

26 (5) When the person waives the privilege by bringing

1 any public charges against the licensee.

2 (b) When the person is a minor under the laws of the State
3 of Illinois and the information acquired by the licensed
4 professional counselor or licensed clinical professional
5 counselor indicates the minor was the victim or subject of a
6 crime, the licensed professional counselor or licensed
7 clinical professional counselor may be required to testify in
8 any judicial proceedings in which the commission of that crime
9 is the subject of inquiry when, after in camera review of the
10 information that the licensed professional counselor or
11 licensed clinical professional counselor acquired, the court
12 determines that the interests of the minor in having the
13 information held privileged are outweighed by the requirements
14 of justice, the need to protect the public safety or the need
15 to protect the minor, except as provided under the Abused and
16 Neglected Child Reporting Act.

17 (c) Any person having access to records or anyone who
18 participates in providing professional counseling or clinical
19 professional counseling services, or, in providing any human
20 services, is supervised by a licensed professional counselor or
21 licensed clinical professional counselor, is similarly bound
22 to regard all information and communications as privileged in
23 accord with this Section.

24 (d) Nothing in this Act shall be construed to prohibit a
25 licensed professional counselor or licensed clinical
26 professional counselor from voluntarily testifying in court

1 hearings concerning matters of adoption, child abuse, child
2 neglect or other matters pertaining to children, except as
3 provided under the Abused and Neglected Child Reporting Act and
4 matters pertaining to elders as set forth in the Elder Abuse
5 and Neglect Act.

6 (e) The Mental Health and Developmental Disabilities
7 Confidentiality Act is incorporated herein as if all of its
8 provisions were included in this Act. In the event of a
9 conflict between the application of this Section and the Mental
10 Health and Developmental Disabilities Confidentiality Act to a
11 specific situation, the provisions of the Mental Health and
12 Developmental Disabilities Confidentiality Act shall control.

13 (f) Licensed professional counselors and licensed clinical
14 professional counselors when performing professional
15 counseling services or clinical professional counseling
16 services shall comply with counselor licensure rules and laws
17 contained in this Section and Section 80 of this Act regardless
18 of their employment or work setting.

19 (Source: P.A. 87-1011.)

20 (225 ILCS 107/80)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 80. Grounds for discipline.

23 (a) The Department may refuse to issue, renew, or may
24 revoke, suspend, place on probation, reprimand, or take other
25 disciplinary or non-disciplinary action as the Department

1 deems appropriate, including the issuance of fines not to
2 exceed \$10,000 ~~\$1000~~ for each violation, with regard to any
3 license for any one or more of the following:

4 (1) Material misstatement in furnishing information to
5 the Department or to any other State agency.

6 (2) Violations or negligent or intentional disregard
7 of this Act, ~~or any of its~~ rules adopted under this Act.

8 (3) Conviction by plea of guilty or nolo contendere,
9 finding of guilt, jury verdict, or entry of judgment or by
10 sentencing of any crime, including, but not limited to,
11 convictions, preceding sentences of supervision,
12 conditional discharge, or first offender probation, under
13 the laws of any jurisdiction of the United States: (i) that
14 is a felony or (ii) that is a misdemeanor, an essential
15 element of which is dishonesty, or that is directly related
16 to the practice of the profession ~~Conviction of any crime~~
17 ~~under the laws of the United States or any state or~~
18 ~~territory thereof that is a felony, or that is a~~
19 ~~misdemeanor, an essential element of which is dishonesty,~~
20 ~~or of any crime which is directly related to the practice~~
21 ~~of the profession.~~

22 (4) Fraud or Making any misrepresentation in applying
23 for or procuring a license under this Act or in connection
24 with applying for renewal of a license under this Act ~~for~~
25 ~~the purpose of obtaining a license, or violating any~~
26 ~~provision of this Act or its rules.~~

1 (5) Professional incompetence or gross negligence in
2 the rendering of professional counseling or clinical
3 professional counseling services.

4 (6) Malpractice.

5 (7) Aiding or assisting another person in violating any
6 provision of this Act or any rules.

7 (8) Failing to provide information within 60 days in
8 response to a written request made by the Department.

9 (9) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public and violating the rules of
12 professional conduct adopted by the Department.

13 (10) Habitual or excessive use or abuse of drugs as
14 defined in law as controlled substances, alcohol,
15 ~~addiction to alcohol, narcotics, stimulants,~~ or any other
16 substance ~~chemical agent or drug~~ which results in inability
17 to practice with reasonable skill, judgment, or safety.

18 (11) Discipline by another jurisdiction, the District
19 of Columbia, territory, county, or governmental agency, if
20 at least one of the grounds for the discipline is the same
21 or substantially equivalent to those set forth in this
22 Section.

23 (12) Directly or indirectly giving to or receiving from
24 any person, firm, corporation, partnership, or association
25 any fee, commission, rebate or other form of compensation
26 for any professional service not actually rendered.

1 Nothing in this paragraph (12) affects any bona fide
2 independent contractor or employment arrangements among
3 health care professionals, health facilities, health care
4 providers, or other entities, except as otherwise
5 prohibited by law. Any employment arrangements may include
6 provisions for compensation, health insurance, pension, or
7 other employment benefits for the provision of services
8 within the scope of the licensee's practice under this Act.
9 Nothing in this paragraph (12) shall be construed to
10 require an employment arrangement to receive professional
11 fees for services rendered.

12 (13) A finding by the Board that the licensee, after
13 having the license placed on probationary status, has
14 violated the terms of probation.

15 (14) Abandonment of a client.

16 (15) Willfully filing false reports relating to a
17 licensee's practice, including but not limited to false
18 records filed with federal or State agencies or
19 departments.

20 (16) Willfully failing to report an instance of
21 suspected child abuse or neglect as required by the Abused
22 and Neglected Child Reporting Act and in matters pertaining
23 to elders or suspected elder abuse as set forth in the
24 Elder Abuse and Neglect Act.

25 (17) Being named as a perpetrator in an indicated
26 report by the Department of Children and Family Services

1 pursuant to the Abused and Neglected Child Reporting Act,
2 and upon proof by clear and convincing evidence that the
3 licensee has caused a child to be an abused child or
4 neglected child as defined in the Abused and Neglected
5 Child Reporting Act.

6 (18) Physical or mental illness or disability,
7 including, but not limited to, deterioration through the
8 aging process or loss of abilities and skills which results
9 in the inability to practice the profession with reasonable
10 judgment, skill, or safety.

11 (19) Solicitation of professional services by using
12 false or misleading advertising.

13 (20) Allowing one's license under this Act to be used
14 by an unlicensed person in violation of this Act ~~Failure to~~
15 ~~file a return, or to pay the tax, penalty or interest shown~~
16 ~~in a filed return, or to pay any final assessment of tax,~~
17 ~~penalty or interest, as required by any tax Act~~
18 ~~administered by the Illinois Department of Revenue or any~~
19 ~~successor agency or the Internal Revenue Service or any~~
20 ~~successor agency.~~

21 (21) A finding that licensure has been applied for or
22 obtained by fraudulent means.

23 (22) Practicing under a false or, except as provided by
24 law, an assumed name ~~or attempting to practice under a name~~
25 ~~other than the full name as shown on the license or any~~
26 ~~other legally authorized name.~~

1 (23) Gross and willful overcharging for professional
2 services including filing statements for collection of
3 fees or monies for which services are not rendered.

4 (24) Rendering professional counseling or clinical
5 professional counseling services without a license or
6 practicing outside the scope of a license.

7 (25) Clinical supervisors failing to adequately and
8 responsibly monitor supervisees.

9 All fines imposed under this Section shall be paid within
10 60 days after the effective date of the order imposing the
11 fine.

12 (b) The Department shall deny, without hearing, any
13 application or renewal for a license under this Act to any
14 person who has defaulted on an educational loan guaranteed by
15 the Illinois State Assistance Commission or any governmental
16 agency of this State in accordance with item (5) of subsection
17 (a) of Section 2105-15 of the Department of Professional
18 Regulation Law of the Civil Administrative Code of Illinois,
19 ~~however, the Department may issue a license or renewal if the~~
20 ~~person in default has established a satisfactory repayment~~
21 ~~record as determined by the Illinois Student Assistance~~
22 ~~Commission.~~

23 (b-5) The Department may refuse to issue or may suspend
24 without hearing, as provided for in the Code of Civil
25 Procedure, the license of any person who fails to file a
26 return, pay the tax, penalty, or interest shown in a filed

1 return, or pay any final assessment of the tax, penalty, or
2 interest as required by any tax Act administered by the
3 Illinois Department of Revenue, until such time as the
4 requirements of any such tax Act are satisfied in accordance
5 with subsection (g) of Section 2105-15 of the Department of
6 Professional Regulation Law of the Civil Administrative Code of
7 Illinois.

8 (b-10) In cases where the Department of Healthcare and
9 Family Services has previously determined a licensee or a
10 potential licensee is more than 30 days delinquent in the
11 payment of child support and has subsequently certified the
12 delinquency to the Department, the Department may refuse to
13 issue or renew or may revoke or suspend that person's license
14 or may take other disciplinary action against that person based
15 solely upon the certification of delinquency made by the
16 Department of Healthcare and Family Services in accordance with
17 item (5) of subsection (a) of Section 2105-15 of the Department
18 of Professional Regulation Law of the Civil Administrative Code
19 of Illinois.

20 (c) The determination by a court that a licensee is subject
21 to involuntary admission or judicial admission as provided in
22 the Mental Health and Developmental Disabilities Code will
23 result in an automatic suspension of his or her license. The
24 suspension will end upon a finding by a court that the licensee
25 is no longer subject to involuntary admission or judicial
26 admission, the issuance of an order so finding and discharging

1 the patient, and the recommendation of the Board to the
2 Secretary ~~Director~~ that the licensee be allowed to resume
3 professional practice.

4 (c-5) In enforcing this Act, the Department, upon a showing
5 of a possible violation, may compel an individual licensed to
6 practice under this Act, or who has applied for licensure under
7 this Act, to submit to a mental or physical examination, or
8 both, as required by and at the expense of the Department. The
9 Department may order the examining physician to present
10 testimony concerning the mental or physical examination of the
11 licensee or applicant. No information shall be excluded by
12 reason of any common law or statutory privilege relating to
13 communications between the licensee or applicant and the
14 examining physician. The examining physicians shall be
15 specifically designated by the Department. The individual to be
16 examined may have, at his or her own expense, another physician
17 of his or her choice present during all aspects of this
18 examination. The examination shall be performed by a physician
19 licensed to practice medicine in all its branches. Failure of
20 an individual to submit to a mental or physical examination,
21 when directed, shall result in an automatic suspension without
22 hearing.

23 A person holding a license under this Act or who has
24 applied for a license under this Act who, because of a physical
25 or mental illness or disability, including, but not limited to,
26 deterioration through the aging process or loss of motor skill,

1 is unable to practice the profession with reasonable judgment,
2 skill, or safety, may be required by the Department to submit
3 to care, counseling, or treatment by physicians approved or
4 designated by the Department as a condition, term, or
5 restriction for continued, reinstated, or renewed licensure to
6 practice. Submission to care, counseling, or treatment as
7 required by the Department shall not be considered discipline
8 of a license. If the licensee refuses to enter into a care,
9 counseling, or treatment agreement or fails to abide by the
10 terms of the agreement, the Department may file a complaint to
11 revoke, suspend, or otherwise discipline the license of the
12 individual. The Secretary may order the license suspended
13 immediately, pending a hearing by the Department. Fines shall
14 not be assessed in disciplinary actions involving physical or
15 mental illness or impairment.

16 In instances in which the Secretary immediately suspends a
17 person's license under this Section, a hearing on that person's
18 license must be convened by the Department within 15 days after
19 the suspension and completed without appreciable delay. The
20 Department shall have the authority to review the subject
21 individual's record of treatment and counseling regarding the
22 impairment to the extent permitted by applicable federal
23 statutes and regulations safeguarding the confidentiality of
24 medical records.

25 An individual licensed under this Act and affected under
26 this Section shall be afforded an opportunity to demonstrate to

1 the Department that he or she can resume practice in compliance
2 with acceptable and prevailing standards under the provisions
3 of his or her license.

4 (d) (Blank). ~~In enforcing this Section, the Board, upon a~~
5 ~~showing of a possible violation, may compel a licensee or~~
6 ~~applicant to submit to a mental or physical examination, or~~
7 ~~both, as required by and at the expense of the Department. The~~
8 ~~examining physicians or clinical psychologists shall be those~~
9 ~~specifically designated by the Board. The Board or the~~
10 ~~Department may order (i) the examining physician to present~~
11 ~~testimony concerning the mental or physical examination of a~~
12 ~~licensee or applicant or (ii) the examining clinical~~
13 ~~psychologist to present testimony concerning the mental~~
14 ~~examination of a licensee or applicant. No information shall be~~
15 ~~excluded by reason of any common law or statutory privilege~~
16 ~~relating to communications between a licensee or applicant and~~
17 ~~the examining physician or clinical psychologist. An~~
18 ~~individual to be examined may have, at his or her own expense,~~
19 ~~another physician or clinical psychologist of his or her choice~~
20 ~~present during all aspects of the examination. Failure of an~~
21 ~~individual to submit to a mental or physical examination, when~~
22 ~~directed, is grounds for suspension of his or her license. The~~
23 ~~license must remain suspended until the person submits to the~~
24 ~~examination or the Board finds, after notice and hearing, that~~
25 ~~the refusal to submit to the examination was with reasonable~~
26 ~~cause.~~

1 ~~If the Board finds an individual unable to practice because~~
2 ~~of the reasons set forth in this Section, the Board must~~
3 ~~require the individual to submit to care, counseling, or~~
4 ~~treatment by a physician or clinical psychologist approved by~~
5 ~~the Board, as a condition, term, or restriction for continued,~~
6 ~~reinstated, or renewed licensure to practice. In lieu of care,~~
7 ~~counseling, or treatment, the Board may recommend that the~~
8 ~~Department file a complaint to immediately suspend or revoke~~
9 ~~the license of the individual or otherwise discipline the~~
10 ~~licensee.~~

11 ~~Any individual whose license was granted, continued,~~
12 ~~reinstated, or renewed subject to conditions, terms, or~~
13 ~~restrictions, as provided for in this Section, or any~~
14 ~~individual who was disciplined or placed on supervision~~
15 ~~pursuant to this Section must be referred to the Director for a~~
16 ~~determination as to whether the person shall have his or her~~
17 ~~license suspended immediately, pending a hearing by the Board.~~

18 (Source: P.A. 96-1482, eff. 11-29-10.)

19 (225 ILCS 107/85)

20 (Section scheduled to be repealed on January 1, 2013)

21 Sec. 85. Violations; injunction; cease and desist order.

22 (a) If any person violates the provisions of this Act, the
23 Secretary ~~Director~~ may, in the name of the People of the State
24 of Illinois, through the Attorney General of the State of
25 Illinois or the State's Attorney of the county in which the

1 violation is alleged to have occurred, petition for an order
2 enjoining the violation or for an order enforcing compliance
3 with this Act. Upon the filing of a verified petition, the
4 court with appropriate jurisdiction may issue a temporary
5 restraining order without notice or bond, and may preliminarily
6 and permanently enjoin the violation. If it is established that
7 the person has violated or is violating the injunction, the
8 court may punish the offender for contempt of court.
9 Proceedings under this Section are in addition to all other
10 remedies and penalties provided by this Act.

11 (b) If any person holds himself or herself out as being a
12 licensed professional counselor or licensed clinical
13 professional counselor under this Act and is not licensed to do
14 so, then any licensed professional counselor, licensed
15 clinical professional counselor, interested party, or any
16 person injured thereby may petition for relief as provided in
17 subsection (a) of this Section.

18 (c) Whenever, in the opinion of the Department, a person
19 violates any provision of this Act, the Department may issue a
20 rule to show cause why an order to cease and desist should not
21 be entered against that person. The rule shall clearly set
22 forth the grounds relied upon by the Department and shall allow
23 at least 7 days from the date of the rule to file an answer
24 satisfactory to the Department. Failure to answer to the
25 satisfaction of the Department shall cause an order to cease
26 and desist to be issued.

1 (Source: P.A. 87-1011.)

2 (225 ILCS 107/90)

3 (Section scheduled to be repealed on January 1, 2013)

4 Sec. 90. Investigations; notice and hearing. The
5 Department may investigate the actions of any applicant or any
6 person holding or claiming to hold a license. The Department
7 shall, before refusing to issue or renew a license or
8 disciplining a licensee ~~revoking, suspending, placing on~~
9 ~~probation, reprimanding, or taking any other disciplinary~~
10 ~~action~~ under Section 80 of this Act, at least 30 days prior to
11 the date set for the hearing, (i) notify the accused, in
12 writing, of any charges made and the time and place for the
13 hearing on the charges, (ii) direct him or her to file a
14 written answer to the charges with the Board under oath within
15 20 days after the service ~~on him or her~~ of the notice, and
16 (iii) inform the applicant or licensee ~~accused~~ that failure, if
17 ~~he or she fails~~ to file an answer shall result in, default
18 being ~~will be~~ taken against the applicant or licensee. At the
19 time and place fixed in the notice, the Department shall
20 proceed to hear the charges, and the parties or their counsel
21 shall be accorded ample opportunity to present any pertinent
22 statements, testimony, evidence, and arguments. The Department
23 may continue the hearing from time to time. In case the person,
24 after receiving the notice, fails to answer, his or her
25 license, may, in the discretion of the Department, be revoked,

1 suspended, placed on probationary status, or the Department may
2 take whatever disciplinary action considered proper, including
3 limiting the scope, nature, or extent of the person's practice
4 or the imposition of a fine, without a hearing, if the act or
5 acts charged constitute sufficient grounds for that action
6 under the Act. The written notice and any notice in the
7 subsequent proceeding may be served by registered or certified
8 mail to the licensee's address of record. ~~him or her or that~~
9 ~~his or her license or certificate may be suspended, revoked,~~
10 ~~placed on probationary status, or other disciplinary action~~
11 ~~taken with regard to the license or certificate, including~~
12 ~~limiting the scope, nature, or extent of his or her practice,~~
13 ~~as the Department may deem proper. In case the person, after~~
14 ~~receiving notice, fails to file an answer, his or her license~~
15 ~~may, in the discretion of the Department, be suspended,~~
16 ~~revoked, placed on probationary status, or the Department may~~
17 ~~take whatever disciplinary action deemed proper, including~~
18 ~~limiting the scope, nature, or extent of the person's practice~~
19 ~~or the imposition of a fine, without a hearing, if the act or~~
20 ~~acts charged constitute sufficient grounds for such action~~
21 ~~under this Act. The written notice may be served by personal~~
22 ~~delivery or certified mail to the address specified by the~~
23 ~~accused in his or her last notification to the Department.~~

24 (Source: P.A. 87-1011; 87-1269.)

1 Sec. 93. Confidentiality. All information collected by the
2 Department in the course of an examination or investigation of
3 a licensee or applicant, including, but not limited to, any
4 complaint against a licensee filed with the Department and
5 information collected to investigate any such complaint, shall
6 be maintained for the confidential use of the Department and
7 shall not be disclosed. The Department may not disclose the
8 information to anyone other than law enforcement officials,
9 other regulatory agencies that have an appropriate regulatory
10 interest as determined by the Secretary, or a party presenting
11 a lawful subpoena to the Department. Information and documents
12 disclosed to a federal, State, county, or local law enforcement
13 agency shall not be disclosed by the agency for any purpose to
14 any other agency or person. A formal complaint filed against a
15 licensee by the Department or any order issued by the
16 Department against a licensee or applicant shall be a public
17 record, except as otherwise prohibited by law.

18 (225 ILCS 107/95)

19 (Section scheduled to be repealed on January 1, 2013)

20 Sec. 95. Record of proceedings; transcript. The
21 Department, at its expense, shall preserve a record of all
22 proceedings at the formal hearing of any case. The notice of
23 hearing, complaint, all other documents in the nature of
24 pleadings, written motions filed in the proceedings, the
25 transcript of testimony, the report of the Board and orders of

1 the Department shall be in the record of such proceeding. ~~The~~
2 ~~Department shall furnish a transcript of the record to any~~
3 ~~person interested in the hearing upon payment of the fee~~
4 ~~required under Section 2105-115 of the Department of~~
5 ~~Professional Regulation Law (20 ILCS 2105/2105-115).~~

6 (Source: P.A. 91-239, eff. 1-1-00.)

7 (225 ILCS 107/100)

8 (Section scheduled to be repealed on January 1, 2013)

9 Sec. 100. Subpoenas; ~~depositions;~~ oaths. The Department
10 has the power to subpoena and ~~to~~ bring before it any person ~~and~~
11 to take the oral or written testimony or compel the production
12 of any books, papers, records, or any other documents that the
13 Secretary or his or her designee deems relevant or material to
14 any investigation or hearing conducted by the Department either
15 ~~orally or by deposition, or both,~~ with the same fees and
16 mileage and in the same manner as prescribed in civil cases in
17 the courts of this State.

18 The Secretary ~~Director~~, the designated hearing officer,
19 any and every member of the Board, or a certified shorthand
20 court reporter may ~~has the power to~~ administer oaths ~~to~~
21 ~~witnesses~~ at any hearing which the Department conducts ~~is~~
22 ~~authorized to conduct~~, and any other oaths authorized in any
23 Act administered by the Department. Notwithstanding any other
24 statute or Department rules to the contrary, all requests for
25 testimony, production of documents, or records shall be in

1 accordance with this Act.

2 (Source: P.A. 87-1011.)

3 (225 ILCS 107/105)

4 (Section scheduled to be repealed on January 1, 2013)

5 Sec. 105. Compelling testimony. Any circuit court, upon
6 application of the Department, ~~designated hearing officer,~~ or
7 the ~~applicant or licensee against whom proceedings under~~
8 ~~Section 80 of this Act are pending,~~ may enter an order
9 requiring the attendance of witnesses and their testimony and
10 the production of relevant documents, papers, files, books, and
11 records in connection with any hearing or investigation. The
12 court may compel obedience to its order by proceedings for
13 contempt.

14 (Source: P.A. 87-1011.)

15 (225 ILCS 107/110)

16 (Section scheduled to be repealed on January 1, 2013)

17 Sec. 110. Findings and recommendations. At the conclusion
18 of the hearing, the Board shall present to the Secretary
19 ~~Director~~ a written report of its findings of fact, conclusions
20 of law, and recommendations. The report shall contain a finding
21 whether the licensee violated this Act or failed to comply with
22 the conditions required in this Act. The Board shall specify
23 the nature of the violation or failure to comply, and shall
24 make its recommendations to the Secretary ~~Director~~.

1 The report of findings of fact, conclusions of law, and
2 recommendation of the Board shall be the basis for the
3 Department's order for refusing to issue, restore, or renew a
4 license, or otherwise discipline a licensee ~~refusal or for the~~
5 ~~granting of the license~~. If the Secretary ~~Director~~ disagrees
6 with the recommendations of the Board, the Secretary ~~Director~~
7 may issue an order in contravention of the Board
8 recommendations. ~~The Director shall provide a written report to~~
9 ~~the Board on any disagreement and shall specify the reasons for~~
10 ~~the action in the final order~~. The finding is not admissible in
11 evidence against the person in a criminal prosecution brought
12 for the violation of this Act, but the hearing and findings are
13 not a bar to a criminal prosecution brought for the violation
14 of this Act.

15 (Source: P.A. 87-1011.)

16 (225 ILCS 107/115)

17 (Section scheduled to be repealed on January 1, 2013)

18 Sec. 115. Motion for Board, rehearing. In any hearing
19 involving the refusal to issue or renew a license, or the
20 discipline of a licensee ~~At the conclusion of the hearing,~~ a
21 copy of the Board's report shall be served upon the applicant
22 or licensee by the Department, either personally or as provided
23 in this Act for the service of the notice of hearing. Within 20
24 days after such service, the applicant or licensee may present
25 to the Department a motion in writing for a rehearing which

1 shall specify the particular grounds for rehearing. If no
2 motion for a rehearing is filed, then upon the expiration of
3 the time specified for filing such a motion, or if a motion for
4 rehearing is denied, then upon such denial, the Secretary
5 ~~Director~~ may enter an order in accordance with recommendations
6 of the Board, except as provided in Section 120 of this Act. If
7 the applicant or licensee requests and pays for a transcript of
8 the record within the time for filing a motion for rehearing,
9 the 20-day period within which a motion may be filed shall
10 commence upon the delivery of the transcript to the applicant
11 or licensee.

12 (Source: P.A. 87-1011; 87-1269.)

13 (225 ILCS 107/120)

14 (Section scheduled to be repealed on January 1, 2013)

15 Sec. 120. Order for ~~Director,~~ rehearing. Whenever the
16 Secretary is not satisfied that substantial ~~Director believes~~
17 justice has ~~not~~ been done in the revocation, suspension or
18 refusal to issue or renew a license or the discipline of a
19 licensee, the Secretary ~~he or she~~ may order a rehearing by the
20 same or other hearing officers.

21 (Source: P.A. 87-1011.)

22 (225 ILCS 107/125)

23 (Section scheduled to be repealed on January 1, 2013)

24 Sec. 125. Appointment of a hearing officer. The Secretary

1 ~~Director~~ has the authority to appoint any attorney licensed to
2 practice law in the State of Illinois to serve as the hearing
3 officer in any action for refusal to issue or renew a license
4 or permit or to discipline a licensee. The hearing officer has
5 full authority to conduct the hearing. ~~At least one member of~~
6 ~~the Board shall attend each hearing.~~ The hearing officer shall
7 report his or her findings of fact, conclusions of law, and
8 recommendations to the Board and to the Secretary ~~Director~~. The
9 Board shall have 60 calendar days from receipt of the report to
10 review it and to present its findings of fact, conclusions of
11 law and recommendation to the Secretary ~~Director~~. If the Board
12 does not present its report within the 60 day period, the
13 Secretary ~~Director~~ may issue an order based on the report of
14 the hearing officer. If the Secretary ~~Director~~ disagrees with
15 the recommendation of the Board or of the hearing officer, the
16 Secretary ~~Director~~ may issue an order in contravention of the
17 recommendation. ~~The Director shall promptly provide a written~~
18 ~~explanation to the Board on any such disagreement.~~

19 (Source: P.A. 87-1011; 87-1269.)

20 (225 ILCS 107/130)

21 (Section scheduled to be repealed on January 1, 2013)

22 Sec. 130. Order or certified copy; prima facie proof. An
23 order or certified copy thereof, over the seal of the
24 Department and purporting to be signed by the Secretary
25 ~~Director~~, is prima facie proof that:

1 (a) the ~~The~~ signature is the genuine signature of the
2 Secretary Director; and

3 (b) the Secretary ~~The Director~~ is duly appointed and
4 qualified. ~~;~~ ~~and~~

5 ~~(c) The Board and the members thereof are qualified to act.~~

6 (Source: P.A. 87-1011.)

7 (225 ILCS 107/135)

8 (Section scheduled to be repealed on January 1, 2013)

9 Sec. 135. Restoration of ~~suspended or revoked~~ license from
10 discipline. At any time after the successful completion of a
11 term of indefinite probation, suspension, or revocation of a
12 license, the Department may restore the license to the
13 licensee, unless, after an investigation and a hearing, the
14 Secretary determines that restoration is not in the public
15 interest or that the licensee has not been sufficiently
16 rehabilitated to warrant the public trust. No person or entity
17 whose license, certificate, or authority has been revoked as
18 authorized in this Act may apply for restoration of that
19 license, certification, or authority until such time as
20 provided for in Article 2105 of the Department of Professional
21 Regulation Law of the Civil Administrative Code of Illinois
22 ~~suspension or revocation of any license, the Department may~~
23 ~~restore it to the licensee upon the written recommendation of~~
24 ~~the Board, unless after an investigation and hearing the Board~~
25 ~~determines that restoration is not in the public interest.~~

1 (Source: P.A. 87-1011.)

2 (225 ILCS 107/145)

3 (Section scheduled to be repealed on January 1, 2013)

4 Sec. 145. Summary suspension of license. The Secretary
5 ~~Director~~ may summarily suspend the license of a professional
6 counselor or a clinical professional counselor without a
7 hearing, simultaneously with the institution of proceedings
8 for a hearing provided for in Section 90 of this Act, if the
9 Secretary ~~Director~~ finds that the evidence ~~in the possession of~~
10 ~~the Director~~ indicates that the continuation of practice by the
11 professional counselor or clinical professional counselor
12 would constitute an imminent danger to the public. In the event
13 that the Secretary ~~Director~~ summarily suspends the license of
14 an individual without a hearing, a hearing must be commenced
15 ~~held~~ within 30 days after the suspension has occurred and shall
16 be concluded as expeditiously as possible.

17 (Source: P.A. 87-1011.)

18 (225 ILCS 107/155)

19 (Section scheduled to be repealed on January 1, 2013)

20 Sec. 155. Certification of record; costs. The Department
21 shall not be required to certify any record to the court, to
22 file an answer in court, or to otherwise appear in any court in
23 a judicial review proceeding, unless and until the Department
24 has received from the plaintiff ~~there is filed in the court,~~

1 ~~with the complaint, a receipt from the Department acknowledging~~
2 ~~payment of the costs of furnishing and certifying the record,~~
3 which costs shall be determined by the Department. Exhibits
4 shall be certified without cost. Failure on the part of the
5 plaintiff to file the receipt in court is grounds for dismissal
6 of the action.

7 (Source: P.A. 87-1011.)

8 (225 ILCS 107/160)

9 (Section scheduled to be repealed on January 1, 2013)

10 Sec. 160. Violations.

11 (a) Unless otherwise specified, any person found to have
12 violated any Section provision of this Act other than this
13 Section is guilty of a Class A misdemeanor for the first
14 offense.

15 (b) Each of the following acts is a Class A misdemeanor for
16 the first offense and a Class 4 felony for a second or
17 subsequent offense:

18 (1) the making of any willfully false oath or
19 affirmation in any matter or proceeding where an oath or
20 affirmation is required by this Act;

21 (2) using or attempting to use an inactive, suspended,
22 or revoked license or the license of another, impersonating
23 another licensee, or practicing clinical professional
24 counseling or professional counseling as defined by this
25 Act, or using the title "clinical professional counselor"

1 or "professional counselor" while one's license is
2 inactive, suspended, or revoked;

3 (3) the practice, attempt to practice, or offer to
4 practice clinical professional counseling or professional
5 counseling as defined by this Act, without the appropriate
6 license; each day of practicing or attempting to practice,
7 and each instance of offering to practice, without the
8 appropriate license constitutes a separate offense;

9 (4) advertising or displaying any sign or card or other
10 device that might indicate to the public that the person or
11 entity is entitled to practice as a licensed professional
12 counselor or licensed clinical professional counselor,
13 unless that person holds an active license as a licensed
14 professional counselor or licensed clinical professional
15 counselor; and

16 (5) obtaining or attempting to obtain a license by
17 fraud.

18 (Source: P.A. 87-1011.)

19 (225 ILCS 107/165)

20 (Section scheduled to be repealed on January 1, 2013)

21 Sec. 165. Administrative Procedure Act; application. The
22 Illinois Administrative Procedure Act is hereby expressly
23 adopted and incorporated in this Act as if all of the
24 provisions of such Act were included in this Act, except that
25 the provisions of subsection (d) of Section 10-65 of the

1 Illinois Administrative Procedure Act that provides that at
2 hearings the clinical professional counselor or professional
3 counselor has the right to show compliance with all lawful
4 requirements for retention, continuation, or renewal of the
5 license is specifically excluded. For the purposes of this Act
6 the notice required under Section 10-25 of the Illinois
7 Administrative Procedure Act is deemed sufficient when mailed
8 to the last known address of record of a party.

9 (Source: P.A. 87-1011.)

10 Section 10. The Elder Abuse and Neglect Act is amended by
11 changing Section 2 as follows:

12 (320 ILCS 20/2) (from Ch. 23, par. 6602)

13 Sec. 2. Definitions. As used in this Act, unless the
14 context requires otherwise:

15 (a) "Abuse" means causing any physical, mental or sexual
16 injury to an eligible adult, including exploitation of such
17 adult's financial resources.

18 Nothing in this Act shall be construed to mean that an
19 eligible adult is a victim of abuse, neglect, or self-neglect
20 for the sole reason that he or she is being furnished with or
21 relies upon treatment by spiritual means through prayer alone,
22 in accordance with the tenets and practices of a recognized
23 church or religious denomination.

24 Nothing in this Act shall be construed to mean that an

1 eligible adult is a victim of abuse because of health care
2 services provided or not provided by licensed health care
3 professionals.

4 (a-5) "Abuser" means a person who abuses, neglects, or
5 financially exploits an eligible adult.

6 (a-7) "Caregiver" means a person who either as a result of
7 a family relationship, voluntarily, or in exchange for
8 compensation has assumed responsibility for all or a portion of
9 the care of an eligible adult who needs assistance with
10 activities of daily living.

11 (b) "Department" means the Department on Aging of the State
12 of Illinois.

13 (c) "Director" means the Director of the Department.

14 (d) "Domestic living situation" means a residence where the
15 eligible adult at the time of the report lives alone or with
16 his or her family or a caregiver, or others, or a board and
17 care home or other community-based unlicensed facility, but is
18 not:

19 (1) A licensed facility as defined in Section 1-113 of
20 the Nursing Home Care Act;

21 (1.5) A facility licensed under the ID/DD Community
22 Care Act;

23 (1.7) A facility licensed under the Specialized Mental
24 Health Rehabilitation Act;

25 (2) A "life care facility" as defined in the Life Care
26 Facilities Act;

1 (3) A home, institution, or other place operated by the
2 federal government or agency thereof or by the State of
3 Illinois;

4 (4) A hospital, sanitarium, or other institution, the
5 principal activity or business of which is the diagnosis,
6 care, and treatment of human illness through the
7 maintenance and operation of organized facilities
8 therefor, which is required to be licensed under the
9 Hospital Licensing Act;

10 (5) A "community living facility" as defined in the
11 Community Living Facilities Licensing Act;

12 (6) (Blank);

13 (7) A "community-integrated living arrangement" as
14 defined in the Community-Integrated Living Arrangements
15 Licensure and Certification Act;

16 (8) An assisted living or shared housing establishment
17 as defined in the Assisted Living and Shared Housing Act;
18 or

19 (9) A supportive living facility as described in
20 Section 5-5.01a of the Illinois Public Aid Code.

21 (e) "Eligible adult" means a person 60 years of age or
22 older who resides in a domestic living situation and is, or is
23 alleged to be, abused, neglected, or financially exploited by
24 another individual or who neglects himself or herself.

25 (f) "Emergency" means a situation in which an eligible
26 adult is living in conditions presenting a risk of death or

1 physical, mental or sexual injury and the provider agency has
2 reason to believe the eligible adult is unable to consent to
3 services which would alleviate that risk.

4 (f-5) "Mandated reporter" means any of the following
5 persons while engaged in carrying out their professional
6 duties:

7 (1) a professional or professional's delegate while
8 engaged in: (i) social services, (ii) law enforcement,
9 (iii) education, (iv) the care of an eligible adult or
10 eligible adults, or (v) any of the occupations required to
11 be licensed under the Clinical Psychologist Licensing Act,
12 the Clinical Social Work and Social Work Practice Act, the
13 Illinois Dental Practice Act, the Dietetic and Nutrition
14 Services Practice Act, the Marriage and Family Therapy
15 Licensing Act, the Medical Practice Act of 1987, the
16 Naprapathic Practice Act, the Nurse Practice Act, the
17 Nursing Home Administrators Licensing and Disciplinary
18 Act, the Illinois Occupational Therapy Practice Act, the
19 Illinois Optometric Practice Act of 1987, the Pharmacy
20 Practice Act, the Illinois Physical Therapy Act, the
21 Physician Assistant Practice Act of 1987, the Podiatric
22 Medical Practice Act of 1987, the Respiratory Care Practice
23 Act, the Professional Counselor and Clinical Professional
24 Counselor Licensing and Practice Act, the Illinois
25 Speech-Language Pathology and Audiology Practice Act, the
26 Veterinary Medicine and Surgery Practice Act of 2004, and

1 the Illinois Public Accounting Act;

2 (2) an employee of a vocational rehabilitation
3 facility prescribed or supervised by the Department of
4 Human Services;

5 (3) an administrator, employee, or person providing
6 services in or through an unlicensed community based
7 facility;

8 (4) any religious practitioner who provides treatment
9 by prayer or spiritual means alone in accordance with the
10 tenets and practices of a recognized church or religious
11 denomination, except as to information received in any
12 confession or sacred communication enjoined by the
13 discipline of the religious denomination to be held
14 confidential;

15 (5) field personnel of the Department of Healthcare and
16 Family Services, Department of Public Health, and
17 Department of Human Services, and any county or municipal
18 health department;

19 (6) personnel of the Department of Human Services, the
20 Guardianship and Advocacy Commission, the State Fire
21 Marshal, local fire departments, the Department on Aging
22 and its subsidiary Area Agencies on Aging and provider
23 agencies, and the Office of State Long Term Care Ombudsman;

24 (7) any employee of the State of Illinois not otherwise
25 specified herein who is involved in providing services to
26 eligible adults, including professionals providing medical

1 or rehabilitation services and all other persons having
2 direct contact with eligible adults;

3 (8) a person who performs the duties of a coroner or
4 medical examiner; or

5 (9) a person who performs the duties of a paramedic or
6 an emergency medical technician.

7 (g) "Neglect" means another individual's failure to
8 provide an eligible adult with or willful withholding from an
9 eligible adult the necessities of life including, but not
10 limited to, food, clothing, shelter or health care. This
11 subsection does not create any new affirmative duty to provide
12 support to eligible adults. Nothing in this Act shall be
13 construed to mean that an eligible adult is a victim of neglect
14 because of health care services provided or not provided by
15 licensed health care professionals.

16 (h) "Provider agency" means any public or nonprofit agency
17 in a planning and service area appointed by the regional
18 administrative agency with prior approval by the Department on
19 Aging to receive and assess reports of alleged or suspected
20 abuse, neglect, or financial exploitation.

21 (i) "Regional administrative agency" means any public or
22 nonprofit agency in a planning and service area so designated
23 by the Department, provided that the designated Area Agency on
24 Aging shall be designated the regional administrative agency if
25 it so requests. The Department shall assume the functions of
26 the regional administrative agency for any planning and service

1 area where another agency is not so designated.

2 (i-5) "Self-neglect" means a condition that is the result
3 of an eligible adult's inability, due to physical or mental
4 impairments, or both, or a diminished capacity, to perform
5 essential self-care tasks that substantially threaten his or
6 her own health, including: providing essential food, clothing,
7 shelter, and health care; and obtaining goods and services
8 necessary to maintain physical health, mental health,
9 emotional well-being, and general safety. The term includes
10 compulsive hoarding, which is characterized by the acquisition
11 and retention of large quantities of items and materials that
12 produce an extensively cluttered living space, which
13 significantly impairs the performance of essential self-care
14 tasks or otherwise substantially threatens life or safety.

15 (j) "Substantiated case" means a reported case of alleged
16 or suspected abuse, neglect, financial exploitation, or
17 self-neglect in which a provider agency, after assessment,
18 determines that there is reason to believe abuse, neglect, or
19 financial exploitation has occurred.

20 (Source: P.A. 96-339, eff. 7-1-10; 96-526, eff. 1-1-10; 96-572,
21 eff. 1-1-10; 96-1000, eff. 7-2-10; 97-38, eff. 6-28-11; 97-227,
22 eff. 1-1-12; 97-300, eff. 8-11-11; revised 10-4-11.)

23 Section 15. The Unified Code of Corrections is amended by
24 changing Section 5-5-5 as follows:

1 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

2 Sec. 5-5-5. Loss and Restoration of Rights.

3 (a) Conviction and disposition shall not entail the loss by
4 the defendant of any civil rights, except under this Section
5 and Sections 29-6 and 29-10 of The Election Code, as now or
6 hereafter amended.

7 (b) A person convicted of a felony shall be ineligible to
8 hold an office created by the Constitution of this State until
9 the completion of his sentence.

10 (c) A person sentenced to imprisonment shall lose his right
11 to vote until released from imprisonment.

12 (d) On completion of sentence of imprisonment or upon
13 discharge from probation, conditional discharge or periodic
14 imprisonment, or at any time thereafter, all license rights and
15 privileges granted under the authority of this State which have
16 been revoked or suspended because of conviction of an offense
17 shall be restored unless the authority having jurisdiction of
18 such license rights finds after investigation and hearing that
19 restoration is not in the public interest. This paragraph (d)
20 shall not apply to the suspension or revocation of a license to
21 operate a motor vehicle under the Illinois Vehicle Code.

22 (e) Upon a person's discharge from incarceration or parole,
23 or upon a person's discharge from probation or at any time
24 thereafter, the committing court may enter an order certifying
25 that the sentence has been satisfactorily completed when the
26 court believes it would assist in the rehabilitation of the

1 person and be consistent with the public welfare. Such order
2 may be entered upon the motion of the defendant or the State or
3 upon the court's own motion.

4 (f) Upon entry of the order, the court shall issue to the
5 person in whose favor the order has been entered a certificate
6 stating that his behavior after conviction has warranted the
7 issuance of the order.

8 (g) This Section shall not affect the right of a defendant
9 to collaterally attack his conviction or to rely on it in bar
10 of subsequent proceedings for the same offense.

11 (h) No application for any license specified in subsection
12 (i) of this Section granted under the authority of this State
13 shall be denied by reason of an eligible offender who has
14 obtained a certificate of relief from disabilities, as defined
15 in Article 5.5 of this Chapter, having been previously
16 convicted of one or more criminal offenses, or by reason of a
17 finding of lack of "good moral character" when the finding is
18 based upon the fact that the applicant has previously been
19 convicted of one or more criminal offenses, unless:

20 (1) there is a direct relationship between one or more
21 of the previous criminal offenses and the specific license
22 sought; or

23 (2) the issuance of the license would involve an
24 unreasonable risk to property or to the safety or welfare
25 of specific individuals or the general public.

26 In making such a determination, the licensing agency shall

1 consider the following factors:

2 (1) the public policy of this State, as expressed in
3 Article 5.5 of this Chapter, to encourage the licensure and
4 employment of persons previously convicted of one or more
5 criminal offenses;

6 (2) the specific duties and responsibilities
7 necessarily related to the license being sought;

8 (3) the bearing, if any, the criminal offenses or
9 offenses for which the person was previously convicted will
10 have on his or her fitness or ability to perform one or
11 more such duties and responsibilities;

12 (4) the time which has elapsed since the occurrence of
13 the criminal offense or offenses;

14 (5) the age of the person at the time of occurrence of
15 the criminal offense or offenses;

16 (6) the seriousness of the offense or offenses;

17 (7) any information produced by the person or produced
18 on his or her behalf in regard to his or her rehabilitation
19 and good conduct, including a certificate of relief from
20 disabilities issued to the applicant, which certificate
21 shall create a presumption of rehabilitation in regard to
22 the offense or offenses specified in the certificate; and

23 (8) the legitimate interest of the licensing agency in
24 protecting property, and the safety and welfare of specific
25 individuals or the general public.

26 (i) A certificate of relief from disabilities shall be

1 issued only for a license or certification issued under the
2 following Acts:

3 (1) the Animal Welfare Act; except that a certificate
4 of relief from disabilities may not be granted to provide
5 for the issuance or restoration of a license under the
6 Animal Welfare Act for any person convicted of violating
7 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
8 Care for Animals Act or Section 26-5 of the Criminal Code
9 of 1961;

10 (2) the Illinois Athletic Trainers Practice Act;

11 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
12 and Nail Technology Act of 1985;

13 (4) the Boiler and Pressure Vessel Repairer Regulation
14 Act;

15 (5) the Boxing and Full-contact Martial Arts Act;

16 (6) the Illinois Certified Shorthand Reporters Act of
17 1984;

18 (7) the Illinois Farm Labor Contractor Certification
19 Act;

20 (8) the Interior Design Title Act;

21 (9) the Illinois Professional Land Surveyor Act of
22 1989;

23 (10) the Illinois Landscape Architecture Act of 1989;

24 (11) the Marriage and Family Therapy Licensing Act;

25 (12) the Private Employment Agency Act;

26 (13) the Professional Counselor and Clinical

1 Professional Counselor Licensing and Practice Act;

2 (14) the Real Estate License Act of 2000;

3 (15) the Illinois Roofing Industry Licensing Act;

4 (16) the Professional Engineering Practice Act of
5 1989;

6 (17) the Water Well and Pump Installation Contractor's
7 License Act;

8 (18) the Electrologist Licensing Act;

9 (19) the Auction License Act;

10 (20) the Illinois Architecture Practice Act of 1989;

11 (21) the Dietetic and Nutrition Services Practice Act;

12 (22) the Environmental Health Practitioner Licensing
13 Act;

14 (23) the Funeral Directors and Embalmers Licensing
15 Code;

16 (24) the Land Sales Registration Act of 1999;

17 (25) the Professional Geologist Licensing Act;

18 (26) the Illinois Public Accounting Act; and

19 (27) the Structural Engineering Practice Act of 1989.

20 (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.